

House Study Bill 547 - Introduced

HOUSE FILE _____

BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL BY
CHAIRPERSON GASKILL)

A BILL FOR

1 An Act authorizing certain cities to employ a public safety
2 commissioner in lieu of a chief of the fire department and a
3 chief of the police department.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 400.6, subsection 4, Code 2009, is
2 amended to read as follows:

3 4. The head and principal assistant of each department and
4 the head of each division. This exclusion does not apply to
5 assistant fire chiefs and to assistant police chiefs in cities
6 with police departments of two hundred fifty or fewer members.
7 However, sections 400.13 and 400.14 apply to police and fire
8 chiefs and public safety commissioners.

9 Sec. 2. Section 400.10, Code Supplement 2009, is amended to
10 read as follows:

11 **400.10 Preferences.**

12 In all examinations and appointments under this chapter,
13 other than promotions and appointments of chief of the police
14 department, and chief of the fire department, and public safety
15 commissioner, veterans who are citizens and residents of the
16 United States, shall have five percentage points added to the
17 veteran's grade or score attained in qualifying examinations
18 for appointment to positions and five additional percentage
19 points added to the grade or score if the veteran has a
20 service-connected disability or is receiving compensation,
21 disability benefits, or pension under laws administered
22 by the United States department of veterans affairs. An
23 honorably discharged veteran who has been awarded the Purple
24 Heart incurred in action shall be considered to have a
25 service-connected disability. However, the percentage points
26 shall be given only upon passing the exam and shall not be the
27 determining factor in passing. Veteran's preference percentage
28 points shall be applied once to the final scores used to rank
29 applicants for selection for an interview. For purposes of
30 this section, "veteran" means as defined in section 35.1 except
31 that the requirement that the person be a resident of this
32 state shall not apply.

33 Sec. 3. Section 400.13, Code 2009, is amended to read as
34 follows:

35 **400.13 Chief of police, and chief of fire department, and**

1 public safety commissioner.

2 1. The chief of the fire department and the chief of
3 the police department shall be appointed from the chiefs'
4 civil service eligible lists. Such lists shall be determined
5 by original examination open to all persons applying,
6 whether or not members of the employing city. The chief of
7 a fire department shall have had a minimum of five years'
8 experience in a fire department, or three years experience in
9 a fire department and two years of comparable experience or
10 educational training. The chief of a police department shall
11 have had a minimum of five years experience in a public law
12 enforcement agency, or three years experience in a public law
13 enforcement agency and two years of comparable experience or
14 educational training. A chief of a police department or fire
15 department shall maintain civil service rights as determined
16 by section 400.12.

17 2. In lieu of appointing a chief of police and a chief of
18 the fire department under subsection 1, a city may establish
19 the position of public safety commissioner and appoint a public
20 safety commissioner from the chiefs' civil service eligible
21 lists. The public safety commissioner shall be responsible for
22 management and operation of both the police department and the
23 fire department and shall have all the powers and duties of a
24 chief of a police department and a chief of a fire department
25 under this chapter or any other provision of law. The public
26 safety commissioner shall meet the minimum qualifications
27 for either a chief of a police department or the chief of a
28 fire department, possess at least a bachelor's degree from an
29 accredited college or university, and have completed advanced
30 training in management. A public safety commissioner shall
31 maintain civil service rights as determined by section 400.12.

32 3. Any person who becomes chief of police, ~~or~~ chief of
33 the fire department, or public safety commissioner shall be
34 allowed to transfer all rights the person may have acquired
35 under chapter 410 or 411, including employer contributions

1 during the person's years of service in a city, employee
2 contributions, and interest, to the retirement system of the
3 city that hires the person as chief or commissioner. Such
4 person shall also transfer the number of years served as
5 seniority toward other benefits provided by the city which
6 hires the person. If a chief of a police or fire department
7 is relieved of that position, the person shall be entitled to
8 remain in the department for which the person was chief at a
9 position commensurate with the person's civil service status,
10 even if this means that the city must create a position for
11 the person to fill until a regular position becomes vacant.
12 If a public safety commissioner is relieved of that position,
13 the person shall be entitled to remain in either the police
14 department or the fire department, as determined by the entity
15 with appointment authority under subsection 4, at a position
16 commensurate with the person's civil service status, even if
17 this means that the city must create a position for the person
18 to fill until a regular position becomes vacant.

19 4. In cities under the commission plan of government the
20 superintendent of public safety, with the approval of the
21 city council, shall appoint the chief of the fire department
22 and the chief of the police department, or the public safety
23 commissioner. In cities under a council-manager form of
24 government the city manager shall make the appointments with
25 the approval of the city council, and in all other cities the
26 appointments shall be made as provided by city ordinance or
27 city charter.

28 Sec. 4. Section 400.14, Code 2009, is amended to read as
29 follows:

30 **400.14 Civil service status of chiefs.**

31 A police officer under civil service may be appointed
32 chief of police or public safety commissioner and a fire
33 fighter under civil service may be appointed chief of the fire
34 department or public safety commissioner without losing civil
35 service status, and shall retain, while holding the office of

1 chief or commissioner, the same civil service rights that the
2 officer or fire fighter may have had immediately previous to
3 appointment as chief or commissioner, but nothing herein shall
4 be deemed to extend to such individual any civil service right
5 upon which the individual may retain the position of chief or
6 commissioner.

7 Sec. 5. Section 400.15, Code 2009, is amended to read as
8 follows:

9 **400.15 Appointing powers.**

10 1. All appointments or promotions to positions within
11 the scope of this chapter other than those of chief of
12 police, and chief of fire department, and public safety
13 commissioner shall be made:

14 a. In cities under the commission form of government, by
15 the superintendents of the respective departments, with the
16 approval of the city council, ~~in.~~

17 b. In cities under the city manager plan, by the city
18 manager, ~~in.~~

19 c. In all other cities with the approval of the city
20 council, ~~and in.~~

21 d. In the police and fire departments by the chiefs of the
22 respective departments or by the public safety commissioner.

23 2. All such appointments or promotions shall promptly
24 be reported to the clerk of the commission by the appointing
25 officer. An appointing authority may transfer an employee,
26 other than police officers and fire fighters, from one
27 department to the same civil service classification in another
28 department, and such employee shall retain the same civil
29 service status.

30 Sec. 6. Section 400.19, Code 2009, is amended to read as
31 follows:

32 **400.19 Removal or discharge of subordinates.**

33 The person having the appointing power as provided in
34 this chapter, or the chief of police, ~~or~~ chief of the fire
35 department, or public safety commissioner, may peremptorily

1 suspend, demote, or discharge a subordinate then under the
2 person's, ~~or~~ chief's, or commissioner's direction for neglect
3 of duty, disobedience of orders, misconduct, or failure to
4 properly perform the subordinate's duties.

5

EXPLANATION

6 This bill authorizes certain cities under Code chapter
7 400 ("Civil Service") to, in lieu of appointing a chief of
8 police and a chief of the fire department, establish the
9 position of public safety commissioner and appoint a public
10 safety commissioner from the chiefs' civil service eligible
11 lists. The bill provides that a public safety commissioner is
12 responsible for management and operation of both the city's
13 police department and the city's fire department. The bill
14 also specifies that a public safety commissioner has all the
15 powers and duties provided to a chief of a police department or
16 to a chief of a fire department under Code chapter 400 or any
17 other provision of law.

18 The bill requires a public safety commissioner to meet
19 the minimum qualifications for either a chief of a police
20 department or the chief of a fire department and possess at
21 least a bachelor's degree and advanced training in management.
22 The bill allows a person appointed to the position of public
23 safety commissioner to maintain civil service rights.

24 The bill also amends other provisions of Code chapter 400 to
25 provide public safety commissioners with the same powers and
26 duties as police chiefs and fire chiefs.